



DEPARTMENT OF EDUCATION

Dr. Jennifer McCormick
Superintendent of Public Instruction

Working Together for Student Success

INDIANA
STATE ETHICS COMMISSION

AUG 13 2020

FILED

IC 4-2-6-11

Post-employment waiver

As the Appointing Authority of the Indiana Department of Education, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Nathan Williamson in his post-employment with the Gary Community School Corporation (GCSC).

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of *(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving)*:

IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.

IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.

IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below)*:

IDOE serves as the pass-through agency for federal education funds to be funneled down to the individual district and school level. In Mr. Williamson's role as Director of Title Grants

and Support, he oversees several federal and state education funds in which GCSC benefits. These funds are formula grants that the LEA is entitled to, as are all other LEAs. During Mr. Williamson's tenure, Gary was not awarded any competitive funds for which Mr. Williamson had a role in deciding the successful applicants other than a continuation grant (original awarded prior to Mr. Williamson's tenure) of homeless education funding in the amount of \$27,000. However, the oversight of the federal formula funds does require Mr. Williamson to make programmatic, monitoring, and audit decisions regarding this LEA's use of the funding. This occurred at GCSC, but is not unique to GCSC. The oversight and decision-making provided by Mr. Williamson is state-wide.

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Mr. Williamson's role requires the implementation of existing federal policy and rule as it pertains to GCSC. No decisions were made regarding this LEA that were outside of the confines the federal government placed on the funding. Mr. Williamson does have substantial decision-making authority over the extension of competitive grant contracts. However, external peer reviewers are utilized to remove any potential for and perception of bias. Over Mr. Williamson's tenure, GCSC did not apply for any competitive grants except for a small homeless education funding award of \$27,000, which was a continuation of prior awards made before Mr. Williamson's tenure.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Chief Business Officer: Mr. Williamson will oversee federal and state grants, consultation with nonpublic schools, internal and external audits, and professional development as it relates to the programs.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Mr. Williamson will have moderate contact with the employee's former agency, IDOE, but the substantial and existing federal and state law and policy will govern much of the contact. The agency will have minimal discretion related to Mr. Williamson's work, and that discretion is similar to IDOE's oversight of any LEA. GCSC is a high-need LEA and IDOE's involvement was greater with GCSC to provide additional support. Mr. Williamson's expertise will likely reduce the need for greater state involvement.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Mr. Williamson will be providing much-needed leadership and implementation expertise at a very high-need and chronically mismanaged school district that is currently under the control of the Distressed Unit Appeal Board (DUAB). Mr. Williamson's position should facilitate the improvement needed so that state involvement is reduced/eliminated and the education for thousands of children is improved. This position is strongly consistent with the public interest and should produce long term, significant cost savings for the state.

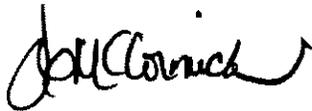
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Mr. Williamson is the sole provider for his family, as a single parent with sole custody of his four children. Further, it is anticipated that he will not be retained by the next IDOE administration. As a result, Mr. Williamson anticipates being out of a job come 2021 and is making plans for this contingency. A waiver denial would work a significant hardship on Mr. Williamson and his family.

C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Dr. Jennifer McCormick
State Superintendent of Public Instruction

07.10.2020

Date

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

Andrew Bernlohr
Andrew Bernlohr
IDOE General Counsel, Ethics Officer

7/10/2020
Date

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
	
<hr/> Katherine Noel, Chair, State Ethics Commission	<hr/> 8-13-20 Date

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to: info@ig.in.gov

Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.